

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS
MINUTES OF THE MEETING OF

June 17, 2005

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:05 a.m. by John Euphrat, Hearing Officer.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of June 17, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT PERIOD

None

CONSENT AGENDA:

1. This being the time set for hearing to consider a proposal by **MONTEREY COUNTY WATER AGENCY** to re-name county road No. 22 to MADRUGA ROAD. The property is located southwest of Nacimiento Lake west off of Cage Irving Road in rural San Luis Obispo County, in the Nacimiento Planning Area. **County File Number: SUB2004-00202**. APN: 080-051-002. Date application accepted: December 12, 2004. Supervisorial District #1. Leonard Mansell, Project Manager.

Thereafter, on motion of the hearing officer, this item is withdrawn per staff's request.

NON-HEARING ITEMS:

2. This being the time set for hearing to consider a request by **ELLEN BALCOMB** for a Minor Use Permit/Coastal Development Permit to add a new 360 square foot guesthouse and permit an existing 96 square foot unconditioned tea house to an existing residential single family home. The project will result in a site total of 2,804 square feet of footprint and 3,625 square feet of gross structural area on an approximately 17,500 square foot parcel. The project will result in approximately 540 cubic yards of grading (fill), and approximately 360 square feet of site disturbance. There will be no tree removal with this proposed project. The project is in the Residential Single Family land use category and is located at 1050 Kenneth Dr. in the Community of Cambria, in the North Coast Planning Area. This project is exempt under CEQA. **County File No: DRC2004-00185**. APN: 023-026-005. Supervisorial District: 2. Date Accepted: May 13, 2005. Ryan Hostetter, Project Manager.

MINUTES:

Hearing Officer: John Euphrat

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through M in Exhibit A and subject to Conditions 1 through 15 in Exhibit B. (Document No. 2005-095)

3. This being the time set for hearing to consider a request by **ROBERT AND SHIRLIN ELLIS** for a Minor Use Permit/Coastal Development Permit to add a detached 2-story

973 square foot garage with 572 square foot guesthouse above to an existing 2,105 square foot single family home with a 708 square foot existing detached workshop/garage. The project will result in the disturbance of approximately 1,156 square feet of a 17,500 square foot parcel. The proposed project is within the Single Family Residential land use category and is located at 2170 Blythe Place in the community of Cambria in the North Coast planning area (Lodge Hill). This project is exempt under CEQA. **County File No: DRC2004-00180.** APN: 023-206-042, 043, 031. Supervisorial District: 2. Date Accepted: May 13, 2005. Ryan Hostetter, Project Manager.

MINUTES:

Hearing Officer: John Euphrat

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through M in Exhibit A and subject to Conditions 1 through 19 in Exhibit B. (Document No. 2005-096)

4. This being the time set for hearing to consider a request by **EMERY VLOTHO / MINI MAX** for a Minor Use Permit/Coastal Development Permit to allow a remodel and a 177 square foot addition to an existing restaurant to allow for handicapped accessibility. The request also includes the demolition of two apartments of 2,782 square feet and construction of two motel/vacation rental units in a 6,004 square foot two story structure. The project will result in the disturbance of approximately 4,000 square feet of an approximately 6,000 square foot parcel. The proposed project is within the Commercial Retail land use category and is located at 49 Ocean Avenue at the northwest corner of Ocean and Pacific Avenues in the community of Cayucos. The site is in the Estero planning area. This project is exempt under CEQA. **County File No: D020316P.** APN: 064-119-026. Supervisorial District: 2. Date application accepted: May 4, 2005. Kerry Brown, Project Manager.

MINUTES:

Hearing Officer: John Euphrat

Others: Brad and Emery Vlotho, applicants.

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 16 in Exhibit B. (Document No. 2005-097)

5. This being the time set for hearing to consider a request by **RICHARD WEST** for a Minor Use Permit/Coastal Development Permit to allow construction of a 2,472 square foot single-family residence with a detached 600 square foot guesthouse. The project will result in the disturbance of approximately 14,500 square feet of a 1 acre parcel. The proposed project is within the Agricultural land use category and is located at 18710 Cabrillo Highway on the east side of Highway One, approximately 3/4 mile south of Ragged Point Inn, approximately 15 miles north of the San Simeon Village area in the North Coast planning area. This project requires an Addendum to the previously approved Mitigated Negative Declaration (approved with previous Minor Use Permit D000133). **County File No: DRC2004-00191.** APN: 011-021-010. Supervisorial District: 2. Date application accepted: April 12, 2005. Kerry Brown, Project Manager.

MINUTES:

Hearing Officer: John Euphrat

Thereafter, on motion of the hearing officer, the Negative Declaration is adopted, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and the Minor Use Permit/Coastal Development Permit is granted based on Findings A through G in Exhibit A and subject to Conditions 1 through 22 in Exhibit B.
(Document No. 2005-098)

HEARING ITEMS:

6. This being the time set for hearing to consider a request by **MAGDA FICHTER** for a Minor Use Permit / Coastal Development Permit to allow the demolition of two offices and one apartment of 1,137 square feet and a new two story mixed-use commercial building of 2,764 square feet with offices on the first floor and two motel / vacation rental units on the second floor. The project will result in the disturbance of approximately 5,000 square feet of an approximately 5,000 square foot parcel. The proposed project is within the Commercial Retail land use category and is located at 71 Ocean Avenue in the community of Cayucos in the Estero planning area. This project is exempt under CEQA. **County File No: DRC2004-00130.** APN: 064-125-002. Supervisorial District: 2. Date application accepted: May 4, 2005.

MINUTES:

Hearing Officer: John Euphrat

Staff: Kerry Brown, Project Manager

Others: Dave Cocco, neighbor; Steve Carnes, agent.

Kerry Brown, staff, presents project. States staff supports the project and recommends approval. States the project was referred to the Cayucas Citizens' Advisory Council several times due to project revisions, and they support the project unanimously. States a letter was received by Dave Cocco stating his concerns regarding easement that goes through his property that will be used as access for this project. States the easement has been legally granted to Magda Fichter, applicant.

Steve Carnes, agent for Magda Fichter, states staff did a good job helping the applicant follow the guidelines given them from the Cayucas Citizens' Advisory Council on the project. He concurs with staff recommendations and is present to answer any questions. States Ms. Fichter would probably be willing to put up some type of signage to aid in public awareness of access options to limit traffic flow.

Dave Cocco, neighbor, states he does not wish to disrupt the project in any way. States his only concern is with the easement location that parallels his property, which is about 13 or 14 feet wide, and whether this will be appropriate for people exiting the proposed project. He is in the process of putting in a fence with a 10 foot easement, and is not sure 10 feet will be enough for people coming out of the proposed project. He states he is also concerned about the possible increase of traffic during work on the project.

Hearing officer states, after reviewing the project, it is his understanding there is a bit of extra easement at the corner of the proposed project exit site, and that a 10 foot easement for fencing should work. States he has reviewed the project, including an aerial photo, and feels it meets the county's ordinance criteria regarding easements.

There is discussion of the possibility of locating an easement elsewhere on the property in the future, such as in the back of the properties, which would require contacting many of the neighboring property owners, who would all have to agree on the location. There is discussion of possible locations for installation of signage to inform the public that the easement is for private access only and not for through traffic.

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through H in Exhibit A, and subject to Conditions 1 through 16 in Exhibit B with the addition of Condition #17 to read: *"Prior to final inspection, the applicant shall install signage that informs the public that the (easement) access driveway is a private drive and not for public use."*

(Document No. 2005-099)

7. This being the time set for hearing to consider a request by **ALBERT AND CONNIE MALEK** for a Minor Use Permit/Coastal Development Permit to permit an existing approximately 14' x 30' swimming pool surrounded by an on grade concrete pool deck with small iron protective fence that totals approximately 1,260 square feet in site area. The project disturbed approximately 1,260 square feet of a 1.2 acre parcel, and removed approximately 40 cubic yards of soil. The project is within the Residential Suburban land use category and is located at 1565 Hollister Lane in the Community of Los Osos in the Estero planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures identified for: biological resources. **County File No: DRC2004-00104.** APN: 074-284-006. Supervisorial District: 2. Date Accepted: April 5, 2005.

MINUTES:

Hearing Officer: John Euphrat

Staff: Ryan Hostetter, Project Manager.

Others: Albert and Connie Malek, owners; Gilbert Diaz, neighbor; Jennie Kurtz, neighbor; Glenn Goodman, neighbor; Frank Frieler, neighbor; Brad Vlotho, neighbor; Emery Vlotho, neighbor.

Ryan Hostetter, staff, presents project. States the applicants were previously issued an over-the-counter pool permit in error for the existing pool and deck because a land use permit had yet to be processed for the site. Code Enforcement had previously been called out to the property by neighbors, who indicated they had received no notice regarding any activities proposed for the property at the time. Staff realized the wrong type of permit had been issued. Since then, Mr. and Mrs. Malek have applied for the correct type of permit and have gone through the environmental review process. Discusses new conditions to be carried out for proper permitting. States staff is recommending approval subject to implementation of the required conditions to restore the riparian area to its original condition.

Hearing officer asks Ms. Hostetter to read the conditions for the record.

There is discussion of an aerial photo of the property and its location.

Frank Frieler, neighbor, states he feels the project is an environmentally sensitive habitat area. Mr. Frieler reads a three-page response for the record.

Jennie Kurtz, neighbor, states she is here to oppose the issuance of the Minor Use Permit. States she feels there have been repeated violations of the initial conditions of approval. Ms. Kurtz reads her response for the record. States she strongly disagrees with staff's recommendation.

Glenn Goodman, neighbor, discusses his concerns with the riparian area and related care and preservation related to the creek. Asks for an explanation of where on the property the proposed house is to be built in relation to the creek.

Jay Johnson, staff, summarizes the history of the project.

There is discussion of the archeological aspects of the project. Ryan Hostetter, staff, states the county previously required the applicants hire an archeologist for review of the property.

Gilbert Diaz, neighbor, asks about the original 1988 conditions concerning non-disturbance of native soil and asks if the site where the pool was installed is considered native soil.

Jay Johnson, staff, explains the differences between surface archeological testing versus sub-surface archeological testing. States a sub-surface test was performed which indicated no archeological concerns.

Thereafter, on motion of the hearing officer, the Negative Declaration is adopted, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and the Minor Use Permit/Coastal Development Permit is granted based on Findings A through K in Exhibit A, with the following changes: in Finding A, line 2, replace “may have” to “*has*”; in Finding B, line 1; change “proposed project” to “*existing project*”; in Finding C, line 1, change “proposed” to “*existing*”; in Finding E, line 1, change “proposed” to “*existing*”; in Finding F, line 1, change “proposed” to “*existing*”; in Finding G, line 1, change “proposed” to “*existing*”; in Condition H, line 1, change “will” to “*does not*”; in Finding I, line 2, change “proposed” to “*existing*”; in Finding J, line 1, delete “proposed”; in Finding K, line 2, change “designed” to “*constructed*”; and subject to Conditions 1 through 5 in Exhibit B with changes to the following: in Condition 4, add “*and condition of approval number five (5) from permit D880021D/D880022V*” at the end.

There being no further business to discuss, the hearing is adjourned.

Respectfully submitted,
Mary Velarde, Secretary
Planning Department Hearings